

## **REMARKS**

This paper is presented in response to the Office Action. By this paper, claims 10, 13 and 15 are amended and claims 1-2 and 22 are canceled. Claims 3-21 are now pending in view of the aforementioned cancellations.

Reconsideration of the application is respectfully requested in view of the aforementioned amendments to the claims and the following remarks. For the convenience and reference of the Examiner, Applicant's remarks are presented in the order in which the corresponding issues were raised in the Office Action.

Inasmuch as the present amendment does not touch the merits of the application, but instead simply cancels various rejected claims, namely, claims 1-2 and 22, and sets forth claim amendments that the Examiner has suggested would put the claims in allowable condition, entry of this amendment is proper under 37 C.F.R. § 1.116.

### **I. General Considerations**

Applicant notes that the remarks, or lack of remarks, and amendments set forth herein are not intended to constitute, and should not be construed as an acquiescence, on the part of the Applicant: as to the purported teachings or prior art status of the cited references; as to the characterization of the cited references advanced by the Examiner; or as to any other assertions, allegations or characterizations made by the Examiner at any time in this case. Applicant reserves the right to challenge the purported teaching and prior art status of the cited references at any appropriate time.

### **II. Rejection of Claims 1, 2, 13, 14, and 22 under 35 U.S.C. § 102**

The Examiner has rejected claims 1, 2, 13, 14, and 22 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,868,222 to DePue et al. ("*DePue*"). Applicant respectfully disagrees. Moreover, Applicant respectfully submits that in view of the cancellation of claims 1-2 and 22 herein, the rejection of those claims has been rendered moot and should accordingly be withdrawn.

### **III. Allowable Subject Matter**

Applicant acknowledges with thanks the indication of the Examiner that claims 3-9 and 19-21 are allowed, and Applicant also wishes to thank the Examiner for the careful review of those claims.

The Examiner has indicated that claims 10-12 and 15-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Accordingly, Applicant has amended claim 10

to incorporate the limitations of claim 1, from which claim 10 previously depended. Applicant has also amended claim 15 to incorporate the limitations of claims 1 and 13, from which claim 15 previously depended. As such, Applicant submits that amended claims 10 and 15 are now in condition for allowance. For at least the same reason(s), claims 11-14 and 16-18, each of which depends from one of claims 10 and 15, are believed to be in condition for allowance as well.

Applicant submits the following comments concerning the Examiner's statements of reasons for the indication of allowable subject matter in the Office Action. In general, Applicant agrees with the Examiner that the inventions to which claims 3-21 are respectively directed are patentable over the cited references, but respectfully disagrees with the Examiner's statement of reasons for allowance as set forth in the Office Action.

Particularly, Applicant submits that it is improper to characterize a single limitation, or subset of limitations, as constituting the basis for allowance of a claim. Rather, the patentability of a claim is properly determined with reference to the claim as a whole. Accordingly, Applicant does not concede that the reasons for allowable subject matter given by the Examiner are the only reasons that make, or would make, the claim allowable and Applicant does not make any admission or concession concerning the Examiner's statements in the Office Action concerning the allowability of claims 3-21 in view of the cited references.

#### **IV. Attorney Docket Number**

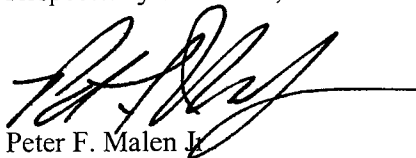
Applicant respectfully notes that the Office Action incorrectly references Attorney Docket No. "MAIKP106US." Pursuant to the Change of Attorney Docket Number filed in this case on May 5, 2006, the correct docket number for this case is 16274.156a. Applicant thus respectfully requests that all applicable USPTO records be updated accordingly, and Applicant further requests that all further communications from the USPTO reference docket number 16274.156a.

**CONCLUSION**

In view of the remarks submitted herein, Applicant respectfully submits that each of the pending claims 3-21 is in condition for allowance. Therefore, reconsideration of the rejections is requested and allowance of those claims is respectfully solicited. In the event that the Examiner finds any remaining impediment to a prompt allowance of this application that could be clarified in a telephonic interview, the Examiner is respectfully requested to initiate the same with the undersigned attorney.

Dated this 18<sup>TH</sup> day of August, 2006.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Peter F. Malen Jr.", written over a horizontal line.

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